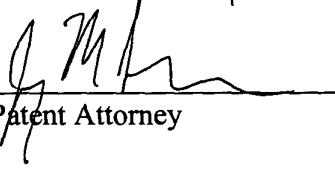




I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 26, 2003.

INFORMATION DISCLOSURE
STATEMENT
Patent Application
Docket No. DAS-101XC2
Serial No. 10/609,113


Jay M. Sanders, Patent Attorney

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Scott Bintrim, Scott Bevan, Baolong Zhu, Donald J. Merlo
Serial No. : 10/609,113
Filed : June 27, 2003
For : Pesticidally Active Proteins and Polynucleotides Obtainable from *Paenibacillus* Species

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

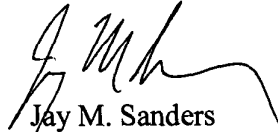
In accordance with 37 CFR §1.97 and §1.98, the applicants would like to bring to the attention of the Examiner the references listed on the attached Forms PTO/SB/08A and PTO/SB/08B. Copies of the references are enclosed.

It is respectfully requested that the references listed on the attached Forms PTO/SB/08A and PTO/SB/08B be considered in the examination of the subject application and that their consideration be made of record.

Applicants respectfully assert that the substantive provisions of 37 CFR §§1.97 and 1.98 are met by the foregoing statements.

Though no fees are believed to be required for this paper, the Patent Office is hereby authorized to charge any fees required by this paper to Deposit Account No. 19-0065.

Respectfully submitted,



Jay M. Sanders
Patent Attorney

Registration No. 39,355

Phone No.: 352-375-8100

Fax No.: 352-372-5800

Address: 2421 N.W. 41st Street, Suite A-1
Gainesville, FL 32606-6669

JMS/ehm

Attachments: Forms PTO/SB/08A and PTO/SB/08B
Copies of Listed References



Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

(Use as many sheets as necessary)

Complete if Known

Application Number	10/609,113
Filing Date	June 27, 2003
First Named Inventor	Scott B. Bintrim
Art Unit	
Examiner Name	
Attorney Docket Number	DAS-101XC2

Sheet	1	of	4
-------	---	----	---

U. S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)			
	6	WO 95/00647 A1	01-05-1995	Smigielski	(review all)
	7	WO 98/08388 A1	03-05-1998	Jarrett et al.	(review all)
	8	WO 99/03328 A1	01-28-1999	East	(review all)
	9	WO 99/42589 A2	08-26-1999	Kramer et al.	(review all)
	10	WO 99/54472 A1	10-28-1999	Kramer et al.	(review all)
	11	WO 00/30453 A2	06-02-2000	Jarrett et al.	(review all)

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND**

TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet	2	of	4
-------	---	----	---

Complete if Known

Application Number	10/609,113
Filing Date	June 27, 2003
First Named Inventor	Scott B. Bintrim
Art Unit	
Examiner Name	
Attorney Docket Number	DAS-101XC2

U. S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

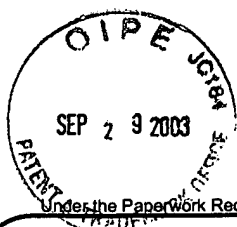
FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ^d
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
	15	WO 00/42855 A1	07-27-2000	Morgan et al.	(Review all)	

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



PTO/SB/08B (04-03)

Approved for use through 04/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	10/609,113		
Filing Date	June 27, 2003		
First Named Inventor	Scott B. Bintrim		
Art Unit			
Examiner Name			
Attorney Docket Number	DAS-101XC2		
Sheet	3	of	4

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	16	CRICKMORE et al., "Revision of the Nomenclature for the Bacillus thuringiensis Pesticidal Crystal Proteins," Microbiol. Mol. Bio. Review (9/98), p. 807-813, vol. 62, no. 3	
	17	FFRENCH-CONSTANT et al., "Novel insecticidal toxins from nematode-symbiotic bacteria," Cellular and Mol. Life Sciences (5/00), p. 828-833, vol. 57, no. 5 (abstract)	
	18	FFRENCH-CONSTANT et al., "A Genomic Sample Sequence of the Entomopathogenic Bacterium Photorhabdus...", Appl. Environ. Microbiol. (8/00), p. 3310-3329, vol. 66, no. 8	
	19	FORST et al., "Molecular Biology of the Symbiotic-Pathogenic Bacteria Xenorhabdus spp. and Photorhabdus spp.," Microbiological Reviews (3/96), p. 21-43, vol. 60, no. 1	
	20	HOFTE et al., "Insecticidal Crystal Proteins of Bacillus thuringiensis," Microbiological Reviews (6/89), p. 242-255, vol. 53, no. 2	
	21	MORGAN et al., Xenorhabdus nematophilus genes, GENBANK Accession No. AJ308438 (May 11, 2001)	
	22	MORGAN et al., "Sequence Analysis of Insecticidal Genes from Xenorhabdus nematophilus PMFI296," Appl. Environ. Microbiol. (5/01), p. 2062-2069, vol. 67, no. 5	
	23	PETTERSSON et al., "Transfer of Bacillus lentimorbus and Bacillus popilliae to the genus Paenibacillus...", Int. J. Syst. Bacteriol. (1999), p. 531-540, vol. 49, no. 2 (abstract)	
	24	SHIDA et al., "Emended description of Paenibacillus amylolyticus and description of Paenibacillus...", Int. J. Syst. Bacteriol. (1997), p. 299-306, vol. 47, no. 2 (abstract)	
	25	WATERFIELD et al., "Oral Toxicity of Photorhabdus luminescens W14 Toxin Complexes in Escherichia coli," Appl. Environ. Microbiol. (11/01), p. 5017-5024, vol. 67, no. 11	

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



PTO/SB/08B (04-03)

Approved for use through 04/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Applicant Number 10/609,113

Filing Date June 27, 2003

First Named Inventor Scott B. Bintrim

Art Unit

Examiner Name

Attorney Docket Number DAS-101XC2

Sheet

4

of

4

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	26	WIDNER et al., "Two Highly Related Insecticidal Crystal Proteins of Bacillus thuringiensis subsp. kurstaki Possess...", J. Bacteriol. (2/89), p. 965-974, vol. 171, no. 2	
	27	ZHANG et al., "Cloning and Analysis of the First cry Gene from Bacillus popilliae," J. Bacteriol. (7/97), p. 4336-4341, vol. 179, no. 13	

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.